

# COURT MINUTES OF SENTENCING HEARING

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UNITED STATES of AMERICA,

v.

CASE NO. 18-CR-24-1-JPS

KARL SCHNEIDER.

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## HON. J. P. STADTMUELLER PRESIDING

DATE: November 8, 2018

TIME SCHEDULED: 10:30 a.m.

COURT DEPUTY/CLERK: Nathan Bader

TIME CALLED: 10:35 a.m.

COURT REPORTER: Rich Ehrlich

TIME FINISHED: 11:29 a.m.

GOVERNMENT BY: Christopher Ladwig

DEFENDANT BY: Ronnie Murray

PROBATION BY: Daniel Dragolovich

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### Notes:

- 10:35 Appearances; Court puts background of case on record, including Defendant's having pled guilty to Counts 1, 3, 5, 7, 9, 11, 13, and 14 of the Indictment; Court notes it has reviewed presentence report
- 10:37 Parties have reviewed presentence report and have no objections to the facts as stated therein; Court therefore adopts the facts as stated in the presentence report
- 10:39 Court notes applicable Guidelines:
- Total Offense Level: 28
  - Criminal History Category: I
  - 78 to 97 months' imprisonment as to Counts 1, 3, 5, 7, 9, 11, and 13, and 84 months as to Count 14, consecutive to all other counts
  - 1 to 3 years' supervised release as to Counts 1, 3, 5, 7, 9, 11, and 13, and 2 to 5 years as to Count 14
  - \$25,000.00 to \$250,000.00 fine
  - \$1,501.00 restitution
  - \$800.00 special assessment
- 10:41 Parties accept these guidelines; Court will adopt for purposes of considering Defendant's sentence

10:43 Court raises government's motion filed pursuant to U.S.S.G. § 5K1.1, Defendant declines to have proceeding sealed; Court grants government's motion and leaves it to counsel to argue for an appropriate sentence reduction

10:45 Defendant's attorney makes a statement on his behalf; requests sentence of 96 months' imprisonment and placement as near to Milwaukee as possible

10:49 Defendant makes a statement on his behalf

10:52 Brian Schneider, Defendant's brother, makes statement

10:53 Lynn Schneider, Defendant's mother, makes statement

10:55 Brandy Bacon, the mother of Defendant's child, makes statement

10:57 Government makes a statement; requests sentence of 137 months' imprisonment

11:03 Court discusses statements of the parties, facts of the case, and facts as presented in presentence report

11:20 Court notes that it previously circulated proposed conditions of supervised release; parties have reviewed them and have no objections thereto

11:22 Court imposes the following formal sentence:

- 32 months of imprisonment as to Counts 1, 3, 5, 7, 9, 11, and 13, to operate concurrently, and 84 months as to Count 14, consecutive to all other counts, for a total term of 116 months
- 3 years of supervised release as to Counts 1, 3, 5, 7, 9, 11, and 13, and 3 years as to Count 14, to operate concurrently for a total term of 3 years
- Fine is waived
- \$1,501.00 restitution
- \$800.00 special assessment
- Counts 2, 4, 6, 8, 10, and 12 of the Indictment are dismissed
- Recommendation placement most near the Eastern District of Wisconsin

11:28 Court advises Defendant of his right of appeal

11:29 Parties have nothing further to address

11:29 Court stands in recess

## FORMAL SENTENCE

### Custody of Bureau of Prisons

32 months as to Counts 1, 3, 5, 7, 9, 11, and 13, to operate concurrently, and 84 months as to Count 14, consecutive to all other counts, for a total term of 116 months

### Supervised Release / Probation

3 years as to Counts 1, 3, 5, 7, 9, 11, and 13, and 3 years as to Count 14, to operate concurrently for a total term of 3 years

### Fine

Terms: None

- ☒ Fine waived due to Defendant's inability to pay
- ☐ Interest on fine is waived
- ☐ Defendant to participate in FBP Inmates' Financial Responsibility Program
- ☒ Payments to apply to special assessment, then fine or restitution (if applicable)
- ☐ Court imposes costs of incarceration, community confinement, and supervision

### Restitution

Terms: \$1,501.00

Payee(s): Orgullo Latino Mini Mart, Arthur Foods, Scott Beer, and Centro Cafe

Special Terms of Payment: Joint and several with co-defendants

### Conditions of Supervised Release

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Report in 72 hours                          | <input checked="" type="checkbox"/> Follow probation officer instructions                                  |
| <input checked="" type="checkbox"/> No other crimes                             | <input checked="" type="checkbox"/> Permit probation visits and confiscation                               |
| <input checked="" type="checkbox"/> No firearms or other dangerous weapons      | <input checked="" type="checkbox"/> No association with criminals  |
| <input checked="" type="checkbox"/> No illegally possess controlled substances  | <input checked="" type="checkbox"/> Shall not knowingly leave district                                     |
| <input checked="" type="checkbox"/> Drug and alcohol testing                    | <input checked="" type="checkbox"/> No informer agreement without approval                                 |
| <input checked="" type="checkbox"/> Reside at approved residence                | <input checked="" type="checkbox"/> No new credit charges  |
| <input checked="" type="checkbox"/> Best efforts to secure full-time employment | <input checked="" type="checkbox"/> No transfer over \$500 without approval                                |
| <input checked="" type="checkbox"/> Notify if change of residence / employment  | <input checked="" type="checkbox"/> Financial disclosures  |
| <input checked="" type="checkbox"/> Notify probation of arrest                  | <input checked="" type="checkbox"/> Restitution: \$25/month, apply 100% of refund, no change in exemptions |

### Special Assessment

Terms: \$800.00

- ☒ To be paid immediately to the Clerk of the Court, Room 362
- ☐ To be paid prior to the expiration of this sentence
- ☐ Other:

Forfeiture

Terms: None

Custody Status

- ☒ Defendant remanded to custody of U.S. Marshal
- ☐ Execution of sentence stayed until \_\_\_\_
- ☐ Defendant shall voluntarily surrender to institution on or after \_\_\_\_
- ☐ Defendant's bond continued until he/she reports
- ☒ Defendant advised of right of appeal
- ☒ Recommendations for BOP: placement most near WIED, drug treatment program

Other

- ☒ Upon motion of the government, Counts 2, 4, 6, 8, 10, and 12 be and the same are hereby DISMISSED
- ☐ Court orders that drug testing requirements be and the same are hereby WAIVED

STATEMENT OF REASONS

- ☒ The Court adopts the factual findings and Guideline application in the presentence report  
or
- ☐ The Court adopts the factual findings and Guideline application in the presentence report except as noted at sentencing

Guideline Range Determined by the Court:

Total Offense Level:	28
Criminal History Category:	I
Imprisonment Range:	78-97 months' imprisonment as to Counts 1, 3, 5, 7, 9, 11, and 13, and 84 months as to Count 14, consecutive to all other counts
Supervised Release Range:	1-3 years' supervised release as to Counts 1, 3, 5, 7, 9, 11, and 13, and 2-5 years as to Count 14
Fine Range:	\$25,000.00-\$250,000.00
Restitution:	\$1,501.00
Special Assessment:	\$800.00

- ☒ Fine is waived or is below the Guideline range because of Defendant's inability to pay
- ☐ Full restitution is not ordered for the following reasons:

- ☐ The sentence is within the Guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the Guidelines
- or
- ☐ The sentence is within the Guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:
- or
- ☒ The sentence departs from the Guideline range for the reasons set forth at sentencing